

SENATE AMENDMENTS

2nd Printing

By: Thompson of Harris, Lopez, Collier

H.B. No. 3800

A BILL TO BE ENTITLED

1 AN ACT

2 relating to required reporting of human trafficking cases by
3 certain law enforcement entities and by prosecutors.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

5 SECTION 1. Chapter 2, Code of Criminal Procedure, is
6 amended by adding Article 2.305 to read as follows:

7 Art. 2.305. REPORT REQUIRED CONCERNING HUMAN TRAFFICKING
8 CASES. (a) This article applies only to:

9 (1) a municipal police department, sheriff's
10 department, constable's office, county attorney's office, district
11 attorney's office, and criminal district attorney's office, as
12 applicable, in a county with a population of more than 50,000; and

13 (2) the Department of Public Safety.

14 (b) An entity described by Subsection (a) that investigates
15 the alleged commission of an offense under Chapter 20A, Penal Code,
16 or the alleged commission of an offense under Chapter 43, Penal
17 Code, which may involve human trafficking, shall submit to the
18 attorney general the following information:

19 (1) the offense being investigated, including a brief
20 description of the alleged prohibited conduct;

21 (2) regarding each person suspected of committing the
22 offense and each victim of the offense:

23 (A) the person's:

24 (i) age;

1 (ii) gender; and
2 (iii) race or ethnicity, as defined by
3 Article 2.132; and
4 (B) the case number associated with the offense
5 and the person suspected of committing the offense;
6 (3) the date, time, and location of the alleged
7 offense;
8 (4) the type of human trafficking involved, including:
9 (A) forced labor or services, as defined by
10 Section 20A.01, Penal Code;
11 (B) causing the victim by force, fraud, or
12 coercion to engage in prohibited conduct involving one or more
13 sexual activities, including conduct described by Section
14 20A.02(a)(3), Penal Code; or
15 (C) causing a child victim by any means to engage
16 in, or become the victim of, prohibited conduct involving one or
17 more sexual activities, including conduct described by Section
18 20A.02(a)(7), Penal Code;
19 (5) if available, information regarding any victims'
20 service organization or program to which the victim was referred as
21 part of the investigation; and
22 (6) the disposition of the investigation, regardless
23 of the manner of disposition.
24 (c) An attorney representing the state who prosecutes the
25 alleged commission of an offense under Chapter 20A, Penal Code, or
26 the alleged commission of an offense under Chapter 43, Penal Code,
27 which may involve human trafficking, shall submit to the attorney

1 general the following information:

2 (1) the offense being prosecuted, including a brief
3 description of the alleged prohibited conduct;

4 (2) any other charged offense that is part of the same
5 criminal episode out of which the offense described by Subdivision
6 (1) arose;

7 (3) the information described by Subsections (b)(2),
8 (3), (4), and (5); and

9 (4) the disposition of the prosecution, regardless of
10 the manner of disposition.

11 (d) The attorney general shall enter into a contract with a
12 university that provides for the university's assistance in the
13 collection and analysis of information received under this article.

14 (e) In consultation with the entities described by
15 Subsection (a), the attorney general shall adopt rules to
16 administer this article, including rules prescribing:

17 (1) the form and manner of submission of a report
18 required by Subsection (b) or (c); and

19 (2) additional information to include in a report
20 required by Subsection (b) or (c).

21 SECTION 2. Notwithstanding Article 2.305, Code of Criminal
22 Procedure, as added by this Act:

23 (1) the Department of Public Safety of the State of
24 Texas is not required to comply with that article until August 1,
25 2020; and

26 (2) an entity described by Subsection (a) of that
27 article, other than the Department of Public Safety of the State of

1 Texas:

2 (A) if located in a county with a population of
3 more than 500,000, is not required to comply with that article until
4 August 1, 2020; and

5 (B) if located in a county with a population of
6 500,000 or less, is not required to comply with that article until
7 August 1, 2021.

8 SECTION 3. This Act takes effect September 1, 2019.

ADOPTED

MAY 22 2019

Leta Spaw
Secretary of the Senate

By: *Jean Huffman*

H.B. No. 3800

Substitute the following for H.B. No. 3800:

By: SENATOR WHITMIRE

C.S.H.B. No. 3800

John Whitmire

A BILL TO BE ENTITLED

AN ACT

1

2 relating to the investigation and prosecution of criminal offenses
3 involving the trafficking of persons.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

5 SECTION 1. Chapter 2, Code of Criminal Procedure, is
6 amended by adding Article 2.305 to read as follows:

7 Art. 2.305. REPORT REQUIRED CONCERNING HUMAN TRAFFICKING
8 CASES. (a) This article applies only to:

9 (1) a municipal police department, sheriff's
10 department, constable's office, county attorney's office, district
11 attorney's office, and criminal district attorney's office, as
12 applicable, in a county with a population of more than 50,000; and

13 (2) the Department of Public Safety.

14 (b) An entity described by Subsection (a) that investigates
15 the alleged commission of an offense under Chapter 20A, Penal Code,
16 or the alleged commission of an offense under Chapter 43, Penal
17 Code, which may involve human trafficking, shall submit to the
18 attorney general the following information:

19 (1) the offense being investigated, including a brief
20 description of the alleged prohibited conduct;

21 (2) regarding each person suspected of committing the
22 offense and each victim of the offense:

23 (A) the person's:

24 (i) age;

1 general the following information:

2 (1) the offense being prosecuted, including a brief
3 description of the alleged prohibited conduct;

4 (2) any other charged offense that is part of the same
5 criminal episode out of which the offense described by Subdivision
6 (1) arose;

7 (3) the information described by Subsections (b)(2),
8 (3), (4), and (5); and

9 (4) the disposition of the prosecution, regardless of
10 the manner of disposition.

11 (d) The attorney general shall enter into a contract with a
12 public or private institution of higher education for the
13 institution's assistance in the collection and analysis of
14 information received under this article.

15 (e) In consultation with the entities described by
16 Subsection (a), the attorney general shall adopt rules to
17 administer this article, including rules prescribing:

18 (1) the form and manner of submission of a report
19 required by Subsection (b) or (c); and

20 (2) additional information to include in a report
21 required by Subsection (b) or (c).

22 SECTION 2. Article 13.12, Code of Criminal Procedure, is
23 amended to read as follows:

24 Art. 13.12. TRAFFICKING OF PERSONS, FALSE IMPRISONMENT,
25 KIDNAPPING, AND SMUGGLING OF PERSONS. (a) Venue for trafficking
26 of persons, false imprisonment, kidnapping, and smuggling of
27 persons is in:

- 1 (1) the county in which the offense was committed; or
2 (2) any county through, into, or out of which the
3 person trafficked, falsely imprisoned, kidnapped, or transported
4 may have been taken.

5 (b) If a defendant commits an offense under Chapter 20A,
6 Penal Code, that is part of a criminal episode, as defined by
7 Section 3.01, Penal Code, all of the offenses arising out of the
8 same criminal episode may be prosecuted in any county that has venue
9 over an offense constituting part of that criminal episode.

10 SECTION 3. Chapter 20A, Penal Code, is amended by adding
11 Section 20A.05 to read as follows:

12 Sec. 20A.05. FORWARDING OF CASE INFORMATION ON COMPLETION
13 OF INVESTIGATION BY CERTAIN STATE AGENCIES. On completion of an
14 investigation of an offense under this chapter that is conducted by
15 a state agency other than the office of the attorney general, the
16 state agency shall forward copies of each offense report prepared
17 in the investigation and all other case information to:

18 (1) the appropriate local county or district attorney;

19 and

20 (2) the attorney general.

21 SECTION 4. Title 5, Penal Code, is amended by adding Chapter
22 20B to read as follows:

23 CHAPTER 20B. CONCURRENT JURISDICTION IN CASES INVOLVING

24 TRAFFICKING OF PERSONS

25 Sec. 20B.01. DEFINITION. In this chapter, "criminal
26 episode" has the meaning assigned by Section 3.01.

27 Sec. 20B.02. PROSECUTION BY ATTORNEY GENERAL IN

1 MULTIJURISDICTIONAL CASES AUTHORIZED. (a) The attorney general
2 may prosecute an offense under Chapter 20A if the offense or any
3 element of the offense:

4 (1) occurs in more than one county in this state; or
5 (2) occurs in a county in this state as well as in
6 another state or country.

7 (b) The attorney general may prosecute any other offense
8 that occurs in this state and arises out of the same criminal
9 episode as an offense described by Subsection (a).

10 (c) The attorney general may appear before a grand jury in
11 connection with an offense the attorney general is authorized to
12 prosecute under this section.

13 (d) The authority to prosecute prescribed by this section
14 does not affect the authority derived from other law to prosecute
15 the same offenses.

16 Sec. 20B.03. SINGLE JURISDICTIONAL CASE: CONCURRENT
17 JURISDICTION FOLLOWING LOCAL PROSECUTOR'S RIGHT OF FIRST REFUSAL.

18 (a) This section does not apply to an offense described by Section
19 20B.02(a).

20 (b) Not later than the 30th day after the date a local county
21 or district attorney becomes aware of conduct that may constitute
22 an offense under Chapter 20A, the local county or district attorney
23 shall notify the attorney general in writing of the conduct. The
24 notice provided under this subsection must describe the conduct
25 that may constitute an offense under Chapter 20A and must describe
26 or otherwise identify each person suspected at that time of having
27 engaged in the conduct.

1 (c) If a local county or district attorney described by
2 Subsection (b) determines that the attorney will not pursue a
3 criminal investigation of the applicable conduct or will not
4 prosecute a criminal charge in relation to that conduct, the local
5 county or district attorney shall notify the attorney general of
6 that determination not later than the 30th day after the date of the
7 determination. On receipt of notice under this subsection, the
8 attorney general may begin a criminal investigation of the
9 applicable conduct and may prosecute:

10 (1) any offense under Chapter 20A relating to the
11 attorney general's investigation of that conduct; and

12 (2) any other offense arising out of the same criminal
13 episode.

14 Sec. 20B.04. EXPIRATION. This chapter expires September 1,
15 2031.

16 SECTION 5. Notwithstanding Article 2.305, Code of Criminal
17 Procedure, as added by this Act:

18 (1) the Department of Public Safety of the State of
19 Texas is not required to comply with that article until August 1,
20 2020; and

21 (2) an entity described by Subsection (a) of that
22 article, other than the Department of Public Safety of the State of
23 Texas:

24 (A) if located in a county with a population of
25 more than 500,000, is not required to comply with that article until
26 August 1, 2020; and

27 (B) if located in a county with a population of

1 500,000 or less, is not required to comply with that article until
2 August 1, 2021.

3 SECTION 6. Article 13.12, Code of Criminal Procedure, as
4 amended by this Act, and Section 20A.05 and Chapter 20B, Penal Code,
5 as added by this Act, apply only to the investigation and
6 prosecution of an offense committed on or after the effective date
7 of this Act. The investigation and prosecution of an offense
8 committed before the effective date of this Act is governed by the
9 law in effect on the date the offense was committed, and the former
10 law is continued in effect for that purpose. For purposes of this
11 section, an offense was committed before the effective date of this
12 Act if any element of the offense occurred before that date.

13 SECTION 7. This Act takes effect September 1, 2019.

**LEGISLATIVE BUDGET BOARD
Austin, Texas**

FISCAL NOTE, 86TH LEGISLATIVE REGULAR SESSION

May 23, 2019

TO: Honorable Dennis Bonnen, Speaker of the House, House of Representatives

FROM: John McGeady, Assistant Director Sarah Keyton, Assistant Director
Legislative Budget Board

IN RE: HB3800 by Thompson, Senfronia (Relating to the investigation and prosecution of criminal offenses involving the trafficking of persons.), **As Passed 2nd House**

No significant fiscal implication to the State is anticipated.

The bill would amend the Code of Criminal Procedure to require attorneys representing the State in certain jurisdictions and the Department of Public Safety (DPS) to file a report to the Office of the Attorney General (OAG) on any investigations of human trafficking offenses. OAG would be required to adopt rules to administer this reporting program and to contract with a public or private institution of higher education partner to analyze data generated from the required reports. The bill would require counties with populations of more than 500,000 people and DPS to comply beginning August 1, 2020, and counties with populations of less than 500,000 but more than 50,000 people to comply beginning August 1, 2021.

The bill would also amend the Code of Criminal Procedure relating to the investigation and prosecution of human trafficking cases.

According to the Department of Public Safety, no fiscal implication to the State is anticipated.

According to the Office of Court Administration (OCA), no significant impact to the State court system is anticipated.

Based on analysis by the Office of the Attorney General, it is assumed that the provisions of the bill could be absorbed using existing resources.

Local Government Impact

According to OCA, no significant impact to local courts is anticipated.

Source Agencies: 212 Office of Court Administration, Texas Judicial Council, 302 Office of the Attorney General, 405 Department of Public Safety

LBB Staff: WP, LBO, GP, AF, SD

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 86TH LEGISLATIVE REGULAR SESSION

May 17, 2019

TO: Honorable John Whitmire, Chair, Senate Committee on Criminal Justice

FROM: John McGeady, Assistant Director Sarah Keyton, Assistant Director
Legislative Budget Board

IN RE: HB3800 by Thompson, Senfronia (relating to the investigation and prosecution of criminal offenses involving the trafficking of persons.), **Committee Report 2nd House, Substituted**

No significant fiscal implication to the State is anticipated.

The bill would amend the Code of Criminal Procedure to require attorneys representing the State in certain jurisdictions and the Department of Public Safety (DPS) to file a report to the Office of the Attorney General (OAG) on any investigations of human trafficking offenses. OAG would be required to adopt rules to administer this reporting program and to contract with a public or private institution of higher education partner to analyze data generated from the required reports. The bill would require counties with populations of more than 500,000 people and DPS to comply beginning August 1, 2020, and counties with populations of less than 500,000 but more than 50,000 people to comply beginning August 1, 2021.

The bill would also amend the Code of Criminal Procedure relating to the investigation and prosecution of human trafficking cases.

According to the Department of Public Safety, no fiscal implication to the State is anticipated.

According to the Office of Court Administration (OCA), no significant impact to the State court system is anticipated.

Based on analysis by the Office of the Attorney General, it is assumed that the provisions of the bill could be absorbed using existing resources.

Local Government Impact

According to OCA, no significant impact to local courts is anticipated.

Source Agencies: 212 Office of Court Administration, Texas Judicial Council, 302 Office of the Attorney General, 405 Department of Public Safety

LBB Staff: WP, LBO, GP, AF, SD

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE, 86TH LEGISLATIVE REGULAR SESSION

May 16, 2019

TO: Honorable John Whitmire, Chair, Senate Committee on Criminal Justice

FROM: John McGeady, Assistant Director Sarah Keyton, Assistant Director
Legislative Budget Board

IN RE: HB3800 by Thompson, Senfronia (Relating to required reporting of human trafficking cases by certain law enforcement entities and by prosecutors.), **As Engrossed**

No significant fiscal implication to the State is anticipated.

The bill would amend the Code of Criminal Procedure to require attorneys representing the State in certain jurisdictions and the Department of Public Safety (DPS) to file a report to the Office of the Attorney General (OAG) on any investigations of human trafficking offenses. OAG would be required to adopt rules to administer this reporting program and to contract with a university partner to analyze data generated from the required reports. The bill would require counties with populations of more than 500,000 people and DPS to comply beginning August 1, 2020, and counties with populations of less than 500,000 but more than 50,000 people to comply beginning August 1, 2021.

According to the Department of Public Safety, no fiscal implication to the State is anticipated.

According to the Office of Court Administration (OCA), no significant impact to the State court system is anticipated.

According to OAG, there is no fiscal impact to the office. The responsibilities tasked to the office could be consolidated in its role as the head of the Statewide Human Trafficking Prevention Task Force.

Local Government Impact

According to OCA, no significant impact to local courts is anticipated.

Source Agencies: 212 Office of Court Administration, Texas Judicial Council, 302 Office of the Attorney General, 405 Department of Public Safety

LBB Staff: WP, LBO, GP, AF, SD

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 86TH LEGISLATIVE REGULAR SESSION

April 22, 2019

TO: Honorable Poncho Nevárez, Chair, House Committee on Homeland Security & Public Safety

FROM: John McGeady, Assistant Director Sarah Keyton, Assistant Director
Legislative Budget Board

IN RE: HB3800 by Thompson, Senfronia (relating to required reporting of human trafficking cases by certain law enforcement entities and by prosecutors.), **Committee Report 1st House, Substituted**

No significant fiscal implication to the State is anticipated.

The bill would amend the Code of Criminal Procedure to require attorneys representing the State in certain jurisdictions and the Department of Public Safety (DPS) to file a report to the Office of the Attorney General (OAG) on any investigations of human trafficking offenses. OAG would be required to adopt rules to administer this reporting program and to contract with a university partner to analyze data generated from the required reports. The bill would require counties with populations of more than 500,000 people and DPS to comply beginning August 1, 2020, and counties with populations of less than 500,000 but more than 50,000 people to comply beginning August 1, 2021.

According to the Department of Public Safety, no fiscal implication to the State is anticipated.

According to the Office of Court Administration (OCA), no significant impact to the State court system is anticipated.

According to OAG, there is no fiscal impact to the office. The responsibilities tasked to the office could be consolidated in its role as the head of the Statewide Human Trafficking Prevention Task Force.

Local Government Impact

According to OCA, no significant impact to local courts is anticipated.

Source Agencies: 212 Office of Court Administration, Texas Judicial Council, 302 Office of the Attorney General, 405 Department of Public Safety

LBB Staff: WP, LBO, GP, AF, SD

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 86TH LEGISLATIVE REGULAR SESSION

April 2, 2019

TO: Honorable Poncho Nevárez, Chair, House Committee on Homeland Security & Public Safety

FROM: John McGeady, Assistant Director Sarah Keyton, Assistant Director
Legislative Budget Board

IN RE: HB3800 by Thompson, Senfronia (Relating to required reporting of human trafficking cases by peace officers and prosecutors.), **As Introduced**

<p>No significant fiscal implication to the State is anticipated.</p>
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The bill would amend the Code of Criminal Procedure to require a written report by peace officers to a university designated by the Office of the Attorney General (OAG) on any investigations of human trafficking offenses. The bill would further require certain prosecutors who prosecute an offense for human trafficking to prepare and submit a written report on the prosecution to the university designated by OAG. OAG would be authorized to prescribe the form and manner of submission of the reports and information contained in these reports.

According to the Office of Court Administration (OCA), no significant impact to the State court system is anticipated.

According to OAG, there is no fiscal impact to the office. The office would contract with a university to analyze the information. The data would provide insight into various areas of concern about human trafficking to assist the Statewide Human Trafficking Prevention Task Force in the development of the state's strategic plan for human trafficking prevention. The responsibilities tasked to the office could be consolidated in its role as the head of the Statewide Human Trafficking Prevention Task Force.

Local Government Impact

According to OCA, no significant impact to local courts is anticipated.

According to the Texas Municipal League, no significant fiscal impact is anticipated.

According to Harris County, the bill would cost the County an estimated \$200,000 to \$225,000. In addition, the District Attorney for the County would be required at least one additional FTE attorney and another additional FTE administrative staffer to handle the additional reports required by this bill.

Source Agencies: 212 Office of Court Administration, Texas Judicial Council, 302 Office of

the Attorney General

LBB Staff: WP, LBO, SD, GP